

***United States Court of Appeals
for the Second Circuit***



APPENDIX

original

77-1439

~~77-1439~~

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----x

UNITED STATES OF AMERICA :

- v - :

JAMES FIGUEROA :

-----x

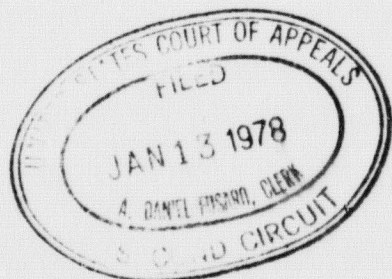
Docket No. 77 CR. 500

①
P/S

Appeal from the United States District Court
for the Southern District of New York

APPENDIX OF APPELLANT

MARK T. SHEHAN
ATTORNEY FOR APPELLANT
919 Third Avenue
New York, New York
(212) 371-6000



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UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

----- -x

UNITED STATES OF AMERICA :

-v- :

No. 77 CR. 500

JAMES FIGUEROA :

----- -x

INDEX TO THE RECORD ON APPEAL

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Certified copy of docket entries	1
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Judgment	3

FIGUERDA, JAMES J.

208 1 0948

Case Filed

No. 01

07 01

77 0500

01

01

CASE NO 77-803

18:2113(a)

Bank Robbery & attempted bank robbery

1-11

KEY DATES & INTERVALS

ARREST	INDICTMENT	ARRAIGNMENT	TRIAL
6/24/77 Summons Served	7-1-77 Indictment	7-7-77 Arraignment	7-7-77 Trial
6/25/77 First Appearance		7-12-77 Trial	

SUPERSEDING
COUNTS

SENTENCE	
AMT	10% Deposit
Set	Surety bond
10% Deposit	Consent
30% Deposit	Consent
50% Deposit	Consent
75% Deposit	Consent
100% Deposit	Consent

MAGISTRATE

DATE	INITIALS	INITIAL APPEARANCE DATE	DATE	DATE
6/25/77	LB-08AH	6/25/77	7/5/77	LB-08AH
18 U.S.C. §2113(a). BANK ROBBERY.				

U.S. Attorney or Asst.

Lee S. Richards
791-1989

ATTORNEYS

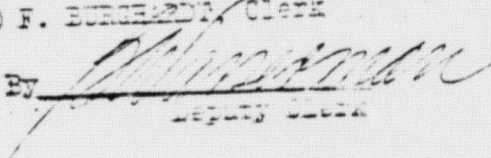
Robert V. Marrow
275 Madison Ave., N.Y.C.
532-9194

Show last names and suffix numbers of other defendants on same indictment information.

DATE	DOCUMENT NO.	PROCEEDINGS
6/25/77		Defendant presented, Legal Aid assigned (JOY) for bail only. Def't remanded in lieu of \$75,000 cash/surety.
6-27-77		CJA appt'd Robert Marrow, 535 Fifth Ave, NY, NY.
7-1-77		INDICTMENT FILED, 77 CR 500Owen, J.
7-7-77		Def't. (atty. Robert V. Marrow present) pleads not guilty. 10 days for motions. Bail fixed at \$75,000 cash or surety continued. Case assigned to Pollack, J. for all purposes....Ward, J.
7-7-77		Filed notice of appearance of Robert V. Marrow as attorney for def't.
07-12-77		Filed def't.'s acknowledgment of constitutional rights.
07-12-77		Def't. (atty. Robert V. Marrow) now pleads guilty as to cts. 1, 7, 8, 9, 10 and 11 only. Cts. 2-6 incl. are carried until the date of sentence. Pre-sentence report ordered. For sentence 8-29-77 at 9:30AM. Room 401. Def't. remanded. Pollack, J.
8/18/77		FLA memo and on unsigned ex parte Order asking permission to be married at the MCC re: This is a Bureau of Prisons matter and for the Court application denied. POLLACK J. m/n

08-29-77	Fld Judgment (atty Robert Marrow) 15 yrs on cts 1,7,8,9,10, &11 conc. . Cts 2-6 inclusive are diam, on dfts motion. The Court recommends such institutional treatment as needed. POLLACK J. issued all copies.
08-31-77	Filed memo-and. on unsigned order. The Court has heretofore declined to engage in this matter believing that it should be dealt with by the Bureau of Prisons...etc. Pollack, J. m/n
09-02-77	Filed deft.'s notice of appeal from judgment of 8-29-77. mailed copies.
09-02-77	Filed J&C and marshal's return, deft. delivered to: M.C.C. N.Y.C. on 8-29-77.
09-21-77	Filed notice that the record on appeal has been certified and transmitted to the U.S.C.A.
10-07-77	Field Magistrate's temporary commitment dated 6-25-77.
11-30-77	Filed transcript of record of proceeding's dated, 8-29-77.
11-30-77	Filed transcript of record of proceeding's dated, 7-12-77.
11-30-77	Filed not ce that the 1st suppl. record on appeal has been certified and transmitted.
11-30-77	Filed CJA 20 approval for payment of fees of atty. Robert Marrow. Pollack, J. issued all copies

A TRUE COPY
RAYMOND F. BURGER, Clerk

By 
Deputy Clerk

FILE AND RETURN TO: NEW YORK

FILED	CLERK	DATE	TIME	RECEIVED	NUMBER

LSR:sic
06-3024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

77 CRIM. 0500

UNITED STATES OF AMERICA

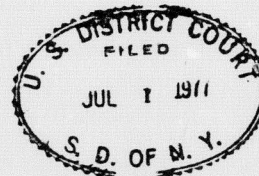
- v -

JAMES FIGUEROA,

Defendant.

INDICTMENT

77 Cr.



COUNTS ONE THROUGH NINE

The Grand Jury charges:

On or about the dates listed below in the Southern District of New York, JAMES FIGUEROA, the defendant, unlawfully, wilfully and knowingly did by force, and violence and by intimidation take and attempt to take from the person and presence of another money in the approximate amounts listed below belonging to and in the care, custody, control, management, and possession of the banks listed below, which banks all have and then had their deposits insured by the Federal Deposit Insurance Corporation.

<u>COUNT</u>	<u>BANK</u>	<u>AMOUNT</u>	<u>DATE</u>
1	Chase Manhattan Bank 768 Broadway New York, New York	\$ 670.00	5/10/77
2	Citibank 686 Broadway New York, New York	\$ 600.00	5/17/77
3	Bankers Trust Company 76 East 161st Street Bronx, New York	\$2,344.00	5/18/77
4	Chemical Bank 422 Park Avenue New York, New York	\$ 879.00	5/26/77
5	Chemical Bank 126 East 86th Street New York, New York	\$1,278.00	5/31/77
6	Manufacturers Hanover Trust Company 407 Broadway New York, New York	\$1,942.00	6/3/77

MICROFILM

JUL - 5 1977

COUNT	BANK	AMOUNT	DATE
7	National Bank of North America 149 Madison Avenue New York, New York	\$2,710.00	6/13/77
8	Manufacturers Hanover Trust Company 969 Eighth Avenue New York, New York	\$1,448.00	6/21/77
9	Manufacturers Hanover Trust Company 221 Park Avenue South New York, New York	\$2,577.00	6/24/77

(Title 18, United States Code, Section 2113(a).)

COUNTS TEN AND ELEVEN

The Grand Jury further charges:

On the dates listed below in the Southern District of New York, JAMES FIGUEROA, the defendant, unlawfully, wilfully, and knowingly did by force, and violence and by intimidation did attempt to take from the person and presence of another money and property belonging to the banks listed below, the deposits of which banks were then insured by the Federal Deposit Insurance Corporation.

COUNT	BANK	DATE
10	Chemical Bank 530 East 14th Street New York, New York	6/3/77
11	Chemical Bank 1242 Second Avenue New York, New York	6/21/77

(Title 18, United States Code, Section 2113(a).)

Robert B. Fiske, Jr.
FOREMAN

Robert B. Fiske, Jr.
ROBERT B. FISKE, JR.
United States Attorney

THE SOUTHERN DISTRICT OF NEW YORK	
DEFENDANT	JAMES FIGUEROA d.o.b. 3/9/52
	DOCKET NO. 77 CR. 500 MP
JUDGMENT AND PROBATION/COMMITMENT ORDER	
COUNSEL	In the presence of the attorney for the government, the defendant appeared in person on this date SEP 3 1977 ☐ WITHOUT COUNSEL ☒ WITH COUNSEL Robert V. Marrow (Name of counsel)
PLEA	☒ GUILTY, and the court being satisfied that there is a factual basis for the plea, as to counts 1,7,8,9,10 and 11 only. ☐ NOLO CONTENDERE, ☐ NOT GUILTY
FINDING & JUDGMENT	There being a finding/verdict of ☐ NOT GUILTY. Defendant is discharged. ☒ GUILTY. Defendant has been convicted as charged of the offense(s) of unlawfully, wilfully and knowingly did by force, and violence and by intimidation take and attempt to take from the person and presence of another money belonging to and in the care, custody, control, management, and possession of banks, the deposits of which banks were then insured by the Federal Deposit Insurance Corporation. (T. 18, U.S.C., Section 2113(a).)
SENTENCE OR PROBATION ORDER	The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of FIFTEEN (15) YEARS, on each of counts 1,7,8,9,10 and 11 to run concurrently with each other. The Court recommends such institutional treatment as appears to be needed, if any. Counts 2 to 6 inclusive are dismissed on motion of defendant's counsel with consent of the Government.
SPECIAL CONDITIONS OF PROBATION	
ADDITIONAL CONDITIONS OF PROBATION	In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.
COMMITMENT RECOMMENDATION	The court orders commitment to the custody of the Attorney General and recommends. It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.
SIGNED BY MILTON POLLACK ☒ U.S. District Judge ☐ U.S. Magistrate	
CERTIFIED AS A TRUE COPY ON THIS DATE Aug 29, 1977 BY Rudolph A. [Signature] X	

Defendant committed

6-25-77

following arrest, was not released

on bail.

**GENERAL
CONDITIONS
OF
PROBATION**

Where probation has been ordered the defendant shall, during the period of probation, conduct himself as a law-abiding, industrious citizen and observe all conditions of probation prescribed by the court. **TO THE DEFENDANT - You shall:**

- (1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law-enforcement officer;
- (2) associate only with law-abiding persons and maintain reasonable hours;
- (3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability (When out of work notify your probation officer at once, and consult him prior to job changes);
- (4) not leave the judicial district without permission of the probation officer;
- (5) notify your probation officer immediately of any change in your place of residence;
- (6) follow the probation officer's instructions and report as directed.

The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on 8-29-77 to _____
Defendant noted appeal on _____
Defendant released on _____
Mandate issued on _____
Defendant's appeal determined on _____
Defendant delivered on _____ to _____

Free
WARDEN, FEDERAL DETENTION DEPT., NEW YORK, N. Y. FOR SERVICE OF SENTENCE AT THAT INSTITUTION, OR FOR TRANSPORTATION TO ANOTHER INSTITUTION DESIGNATED BY THE ATTORNEY GENERAL, BY PRISON VAN.

FRANK A. JULLIANO
UNITED STATES MARSHAL
SOUTHERN DISTRICT OF NEW YORK

*by Robert J. Meli
DASH, DASH*

at _____, the institution designated by the Attorney General, with a certified copy of the within Judgment and Commitment.

United States Marshal

By

Deputy Marshal

COPY 12
JAN 13 1978
U.S. ATTY
SO. DIST. OF N.Y.